

ESTTA Tracking number: **ESTTA502826**

Filing date: **10/30/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Avery Dennison Corporation		
Entity	Corporation	Citizenship	Delaware
Address	150 North Orange Grove Boulevard Pasadena, CA 91103 UNITED STATES		

Attorney information	Gary J. Nelson Christie, Parker & Hale, LLP P.O. Box 29001 Glendale, CA 91209-9001 UNITED STATES pto@cph.com Phone:626-577-8800
----------------------	--

Applicant Information

Application No	85613238	Publication date	10/02/2012
Opposition Filing Date	10/30/2012	Opposition Period Ends	11/01/2012
Applicant	Denison University P. O. Box F Granville, OH 43023 UNITED STATES		

Goods/Services Affected by Opposition


Class 016. First Use: 1856/00/00 First Use In Commerce: 1856/00/00
All goods and services in the class are opposed, namely: Printed materials, namely, publications in the nature of magazines featuring alumni news and sporting event programs, manuals featuring university policies, catalogs featuring sports schedules, wire bound notebooks, decals and newsletters featuring university news; printed instructional and teaching materials used by students for a wide variety of subjects at the university level

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3202600	Application Date	03/05/2004
Registration Date	01/23/2007	Foreign Priority Date	NONE
Word Mark	AVERY DENNISON		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 016. First use: First Use: 2003/08/00 First Use In Commerce: 2003/08/00 PAPER FOR PACKAGING; CARDBOARD; PAPER LABELS FOR COMMERCIAL AND INDUSTRIAL USES; PAPER TAGS; STICKERS SUPPLIED IN SHEET AND ROLL FORM; BAR CODE LABELS FOR COMMERCIAL, INDUSTRIAL AND INVENTORY USES; PAPER AND ADHESIVE SECURITY LABELS, NAMELY, LABELS WHICH ENCODE IDENTIFICATION INFORMATION; AND COMPUTER PRINTABLE BADGES AND SUPPLIES, NAMELY, SELF-ADHESIVE PAPER NAME BADGES, SECURITY BADGES, SELF-ADHESIVE PAPER SECURITY BADGE LABELS, CARD AND CARD INSERTS FOR PLASTIC HOLDERS, PAPER IDENTIFICATION BADGES, PAPER PHOTO IDENTIFICATION BADGES AND TAGS</p> <p>Class 017. First use: First Use: 1997/04/00 First Use In Commerce: 1997/04/00 FORMABLE DECORATIVE AND PRINTED DECORATIVE LAMINATES FORMED FROM THERMOFORMED PRINTED FILM EXTRUDED ON RESIN, ABS, TPO, AND POLYCARBONATE BACKING SHEETS; SOLAR AND SECURITY WINDOW FILM LAMINATES; LAMINATES FOR DECORATIVE USES; PLASTIC AND POLYMERIC LAMINATES FOR COMMERCIAL OR INDUSTRIAL PACKAGING PURPOSES SUPPLIED IN SHEET OR ROLL FORM; PLASTIC AND POLYMERIC DECORATIVE ADHESIVE LAMINATES FOR EXTERIOR AND INTERIOR OF VEHICLE BODY AND WINDOWS</p>

Attachments	78379701#TMSN.jpeg (1 page)(bytes) A23 110 2 46 Notice of Opposition.pdf (4 pages)(62622 bytes)
-------------	---

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Gary J. Nelson/
Name	Gary J. Nelson
Date	10/30/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application **Serial No. 85613238**
For the mark DENISON
Published in the Trademark *Official Gazette* on October 2, 2012

Avery Dennison Corporation	Opposition No.
Opposer,	
v.	NOTICE OF OPPOSITION
Denison University	
Applicant.	

Avery Dennison Corporation (“ADC” or “Opposer”), a corporation with an address of 150 North Orange Grove Boulevard, Pasadena, California 91103, believes that it will be damaged by the registration of the mark shown in United States Trademark Application Serial No. 85613238 for goods in International Class 016 and hereby opposes its registration.

As grounds for opposition, Opposer alleges:

1. Applicant Denison University (“Applicant”) seeks to register the subject mark of United States Trademark Application Serial No. 85613238 for PRINTED MATERIALS, NAMELY, PUBLICATIONS IN THE NATURE OF MAGAZINES FEATURING ALUMNI NEWS AND SPORTING EVENT PROGRAMS, MANUALS FEATURING UNIVERSITY POLICIES, CATALOGS FEATURING SPORTS SCHEDULES, WIRE BOUND NOTEBOOKS, DECALS AND NEWSLETTERS FEATURING UNIVERSITY NEWS; PRINTED INSTRUCTIONAL AND TEACHING MATERIALS USED BY STUDENTS FOR A WIDE VARIETY OF SUBJECTS AT THE UNIVERSITY LEVEL, in International Class

016, with a filing date of May 1, 2012 ("the DENISON Application"), as evidenced by the publication of said mark in the October 2, 2012 issue of the *Official Gazette*.

2. Opposer is the owner of United States Trademark Registration No. 3,202,600 for the mark AVERY DENNISON for paper, labels, tags, stickers, among other goods related to office products in International Class 016 ("the '600 Registration"). The '600 Registration is valid and subsisting on the Principal Register and issued on January 23, 2007.

3. Opposer has established common law trademark rights in AVERY DENNISON for decals/stickers, notebooks, all other office products and related services, and for many different types of products and services not related to office products. Opposer has been using its AVERY DENNISON trademark in association with these type of goods since before Applicant filed the subject mark of this opposition.

4. Opposer has invested a great deal of money and effort in using and promoting the goods under the subject mark of the '600 Registration, and its AVERY DENNISON trademark described in paragraph 3 above (collectively, the "ADC Mark") and is continuing to extensively use and promote these goods in association with the ADC Mark.

5. As a result of the high quality of Opposer's good/services and the extensive promotion, sales, and public acceptance thereof, Opposer's goods/services have acquired an outstanding reputation and the public now uses the ADC Mark to distinguish Opposer's goods/services from the goods/services of others.

6. By virtue of the continuous and wide spread use by Opposer of the ADC Mark, this mark is entitled to a broad scope of protection.

Likelihood of Confusion

7. Opposer has both priority of use and registration over Applicant for the ADC Mark, and thus Opposer's rights in the ADC Mark precede any rights Applicant may have in its applied-for mark for at least some of the goods contained in the DENISON Application.

8. The mark for which Applicant has applied is quite similar to the ADC Mark.

9. At least some of the goods identified in the DENISON application are identical or related to some of the goods identified in the '600 Registration and for the other goods/services offered by Opposer in association with its ADC Mark. On information and belief, Applicant uses or intends to use its applied-for mark on some goods that compete directly or indirectly with goods/services sold or offered by Opposer.

10. Registration of Applicant's applied-for mark will likely cause confusion among the relevant consuming public and will likely cause the relevant consuming public to mistakenly conclude that at least some of Applicant's goods are associated with Opposer, when in fact they are not.

11. Registration of Applicant's applied-for mark is likely to cause injury to Opposer's business reputation and to injure and impair Opposer's rights in the ADC Mark by causing confusion, mistake, and/or deception as to the respective rights of the parties and as to the source or sponsorship of such goods.

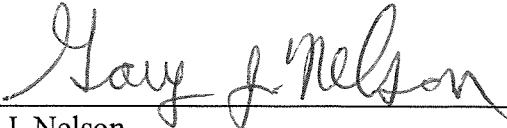
12. Registration of Applicant's applied-for mark is inconsistent with the trademark rights of Opposer.

WHEREFORE, Opposer prays that Application Serial No. **85613238** be rejected, and that the applied-for mark for the goods identified in International Class 016 be refused registration.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

Date October 30, 2012

By 
Gary J. Nelson
Attorneys for Opposer
P.O. Box 7068
Pasadena, California 91109-7068
626/795-9900

CERTIFICATE OF MAILING AND SERVICE

I certify that on October 30, 2012, the foregoing **NOTICE OF OPPOSITION** is being electronically filed with the United States Postal Service:

Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

It is further certified that on October 30, 2012, the foregoing **NOTICE OF OPPOSITION** is being served by mailing a copy thereof by first-class mail addressed to:

Denison University
P.O. Box F
Granville, Ohio 43023

By Colleen Severino
Colleen Severino
Christie, Parker & Hale, LLP
P.O. Box 29001
Glendale, CA 91209-9001